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Committee on the Peaceful Uses of Outer Space
Legal Subcommittee
Fifty-third session
Vienna, 24 March-4 April 2014

Draft report

Addendum

VII. Capacity-building in space law

1. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 9, entitled "Capacity-building in space law", as a regular item on its agenda.

2. The representatives of Canada, China, Germany, Japan, South Africa, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 9. A statement was also made by the representative of Chile on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

3. The Subcommittee had before it the following:

(a) Conference room papers on actions and initiatives to build capacity in space law containing information submitted by Austria (A/AC.105/C.2/2014/CRP.9), Japan (A/AC.105/C.2/2014/CRP.10), Uruguay (A/AC.105/C.2/2014/CRP.11), the Russian Federation (A/AC.105/C.2/2014/CRP.12), Canada (A/AC.105/C.2/2014/CRP.19) and Armenia (A/AC.105/C.2/2014/CRP.20);

(b) Conference room paper containing the contribution of Turkey to the fifty-third session of the Legal Subcommittee (A/AC.105/C.2/2014/CRP.26);

(c) Conference room paper containing a directory of educational opportunities in space law (A/AC.105/C.2/2014/CRP.8).

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4. The Subcommittee heard the following presentations made under the agenda item:

(a) "Education curriculum on space law", by the Office for Outer Space Affairs;

(b) "Japan's capacity-building in space law: recent progress", by the representative of Japan;

(c) "United Nations/China/APSCO workshop on space law: an invitation", by the representative of China.

5. The Subcommittee agreed that capacity-building, training and education in space law were of paramount importance to national, regional and international efforts to further develop the practical aspects of space science and technology, especially in developing countries, and to increase knowledge of the legal framework within which space activities were carried out. It was emphasized that the Subcommittee had an important role to play in that regard.

6. The Subcommittee noted with appreciation that a number of national, regional and international efforts to build capacity in space law were being undertaken by governmental and non-governmental entities. Those efforts included encouraging universities to offer modules on space law; providing fellowships for graduate and postgraduate education in space law; assisting in the development of national space legislation and policy frameworks; organizing workshops, seminars and other specialized activities to promote greater understanding of space law; providing financial and technical support for legal research; preparing dedicated studies, papers and publications on space law; supporting space law moot court competitions; supporting the participation of young professionals in regional and international meetings relating to space law; providing for training and other opportunities to build experience; and supporting entities dedicated to the study of and research relating to space law.

7. The Subcommittee noted that some Member States had provided financial assistance to enable students to attend the Manfred Lachs Space Law Moot Court Competition, held each year during the International Astronautical Congress. The Subcommittee further noted that the world finals of the 2014 Competition would be held in Toronto, Canada, from 30 September to 2 October 2014, during the annual Colloquium on the Law of Outer Space organized by IISL.

8. The Subcommittee noted with satisfaction the completion of the education curriculum on space law, which was timely in the light of the increasing interest of universities and other institutions to include courses on space law in their education programmes. The Subcommittee further concluded that the curriculum constituted a dynamic educational tool that could be easily used by educators from different professional backgrounds.

9. The Subcommittee also welcomed the web-based compilation of reading materials, accessible on the website of the Office for Outer Space Affairs, which would be updated as new or additional materials were identified.

10. The Subcommittee noted that the next step would be to work with the regional centres for space science and technology education, affiliated to the United Nations,

to facilitate the introduction of the curriculum in their respective education programmes.

11. The Subcommittee requested the Office for Outer Space Affairs to have the curriculum translated into all official languages of the United Nations, in order to facilitate the use of the curriculum by the regional centres and developing countries and to strengthen capacity-building in space law.

12. The Subcommittee noted that the agenda item on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space had great potential to further the contribution of the Subcommittee to capacity-building, as the discussions and exchange of information would be of practical value to States in setting up their space activities.

13. The Subcommittee noted that the regional centre for space science and technology education, affiliated to the United Nations, under development at Beihang University in Beijing, would provide countries in the Asia-Pacific region with further space law teaching and training opportunities.

14. The Subcommittee noted that the African Leadership Conference on Space Science and Technology for Sustainable Development had taken place in Accra from 3 to 5 December 2013, with a space law session focusing on capacity-building, legal aspects of space debris, obligations of States under international treaties on outer space and national legislation relevant to the peaceful exploration and use of outer space from an African perspective.

15. The Subcommittee noted with appreciation the support and contribution of the O ce for Outer Space Affairs to the organization of the African Leadership Conference.

16. The Subcommittee noted with appreciation that the Office for Outer Space Affairs, together with the Government of China, the China National Space Administration and APSCO, had begun preparations for the United Nations workshop on space law, to be held in Beijing from 17 to 21 November 2014.

17. The Subcommittee noted that the workshops organized by the Office for Outer Space Affairs in cooperation with host countries were a valuable contribution to capacity-building in space law and international cooperation in the peaceful uses of outer space.

18. Some delegations expressed the view that the Office for Outer Space Affairs should continue exploring avenues of cooperation with national institutions and interregional organizations in order to promote capacity-building in space law.

19. Some delegations expressed the view that the Office for Outer Space Affairs should strengthen its efforts to support capacity-building in space law in the Latin American and Caribbean region, in particular through the organization of seminars or workshops.

20. The Subcommittee noted with satisfaction that the Office for Outer Space Affairs had updated the directory of education opportunities in space law (A/AC.105/C.2/2014/CRP.8), including with information on available fellowships and scholarships, and agreed that the Office should continue to update the directory. In that connection, the Subcommittee invited member States to encourage contributions at the national level for the future updating of the directory.

21. The Subcommittee recommended that member States and permanent observers of the Committee should inform the Subcommittee, at its fifty-fourth session, of any action taken or planned at the national, regional or international level to build capacity in space law.

IX. General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee

22. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 11, entitled "General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee", as a single issue/item for discussion.

23. The representatives of Brazil, Canada, Chile, the Czech Republic, Germany, Japan, Mexico, the Netherlands, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 11. A statement was made by the representative of Chile on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements relating to the item were also made by representatives of other member States. A statement was also made under the item by the observer for ESA.

24. The Subcommittee had before it conference room papers containing a compendium of space debris mitigation standards adopted by States and international organizations, presented by Canada, the Czech Republic and Germany (A/AC.105/C.2/2014/CRP.15), and a contribution to the compendium by the United States (A/AC.105/C.2/2014/CRP.15/Add.1).

25. The Subcommittee recalled with satisfaction that the endorsement by the General Assembly, in its resolution 62/217, of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space was an important step in providing all spacefaring nations with guidance on how to mitigate the problem of space debris.

26. The Subcommittee noted with satisfaction that some States were implementing space debris mitigation measures consistent with the Space Debris Mitigation Guidelines of the Committee and/or the Inter-Agency Space Debris Coordination Committee (IADC) Space Debris Mitigation Guidelines and that other States had developed their own space debris mitigation standards based on those guidelines. The Subcommittee also noted that some States were using the IADC Space Debris Mitigation Guidelines, the European Code of Conduct for Space Debris Mitigation and International Organization for Standardization (ISO) standard 24113 (Space systems: space debris mitigation requirements) as references in their regulatory frameworks for national space activities.

27. The Subcommittee noted with satisfaction that some States had taken measures to incorporate internationally recognized guidelines and standards related to space debris into relevant provisions in their national legislation.

28. The Subcommittee noted that some States had strengthened their national mechanisms governing space debris mitigation through the nomination of governmental supervisory authorities, the involvement of academia and industry and the development of new legislative norms, instructions, standards and frameworks.

29. Some delegations expressed the view that the Subcommittee should undertake a legal analysis of the Space Debris Mitigation Guidelines of the Committee.

30. Some delegations expressed the view that the Subcommittee should aim to develop legally binding rules relating to space debris, including debris derived from space platforms with nuclear power sources on board, the collision of such objects with space debris, and technology for monitoring space debris.

31. Some delegations expressed the view that the legally binding rules should take into account the historical responsibility of spacefaring nations for the problem, and should neither limit access to outer space by developing countries with emerging space capabilities nor impose undue costs on the space programmes of those countries.

32. The view was expressed that the transformation of technical debris mitigation guidelines into a legally binding instrument was not necessary, as spacefaring nations were motivated to reduce space debris by their self-interest in preserving the safety and sustainability of space activities.

33. The view was expressed that the Legal Subcommittee should cooperate with the Scientific and Technical Subcommittee in developing binding rules for space debris mitigation.

34. Some delegations expressed the view that the removal of large pieces of debris was necessary to prevent the proliferation of space debris, and that the legal issues related to active removal of space debris should be addressed.

35. Some delegations expressed the view that information on actions to reduce the creation of space debris should be made available to the Subcommittee, in particular by those States which were largely responsible for creating space debris and by the States that had the capacity to take action with regard to space debris mitigation.

36. The view was expressed that reporting on the status of implementation of the Space Debris Mitigation Guidelines of the Committee would contribute to improving transparency and developing confidence-building measures among States.

37. The view was expressed that it was important to pay attention to the problem of space debris not only in outer space, but also in cases of its uncontrolled return to the Earth's surface, and therefore to deepen corresponding international norms and standards in order to strengthen the safety of both people and the environment.

38. The view was expressed that all relevant information related to the re-entry of space debris into the Earth's atmosphere should be reported diligently and expeditiously to countries that might be affected.

39. The view was expressed that entering into an agreement with the United States to share space situational awareness would facilitate the provision of such information and services to governmental, intergovernmental and commercial entities so as to improve safety and sustainability for space flights.

40. Some delegations expressed the view that the outcome of the work of the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee and its expert groups to develop a set of technical guidelines could be integrated into the future work of the Legal Subcommittee.

41. The view was expressed that the voluntary draft guidelines dealing with space debris, space operations and tools to support collaborative space situational awareness, which will be included in the report of expert group B of the Working Group to be submitted by the expert group to the Working Group for its consideration, could serve as a basis for the development of normative standards to reduce the risk posed by space debris to space operations.

42. The Subcommittee noted with appreciation the development, by Canada, the Czech Republic and Germany, of a compendium of space debris mitigation standards adopted by States and international organizations, and requested those delegations to continue their work on the compendium with a view to increasing the number of States and international organizations included therein. The Subcommittee requested that the compendium be provided to the Secretariat prior to the fifty-seventh session of the Committee on the Peaceful Uses of Outer Space, in June 2014, so that it could be made available to the Committee at that session.

43. The Subcommittee requested the Secretariat to maintain the compendium thereafter on a dedicated page of its website.

44. The Subcommittee agreed that member States of the Committee and international intergovernmental organizations with permanent observer status with the Committee should be invited to provide or update the information on any legislation or standards adopted with regard to space debris mitigation, using the template provided for that purpose. The Subcommittee also agreed that all other Member States of the United Nations should be invited to contribute to the compendium, encouraging States with such regulations or standards to provide information on them. The updated compendium should be made available to the Subcommittee at its fifty-fourth session, in 2015.

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Addendum

VIII. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space

1. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 10, entitled "Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space", as a single issue/item for discussion.

2. The representatives of Indonesia, Mexico, the Netherlands, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 10. A statement was also made under the item by the representative of Chile on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

3. The Subcommittee noted with satisfaction that the Safety Framework for Nuclear Power Source Applications in Outer Space (A/AC.105/934), adopted by the Scientific and Technical Subcommittee at its forty-sixth session, in 2009, and endorsed by the Committee at its fifty-second session, in 2009, had considerably advanced international cooperation in ensuring the safe use of nuclear power sources in outer space and had facilitated the development of international space law.

4. The Legal Subcommittee noted with satisfaction the extension of the multi-year workplan of the Working Group on the Use of Nuclear Power Sources in Outer Space to 2017 (A/AC.105/1065, annex II, para. 9).

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5. Some delegations expressed the view that it was exclusively States, irrespective of their level of social, economic, scientific or technical development, that had an obligation to engage in regulatory activity associated with the use of nuclear power sources in outer space and to adapt national legislation to relevant international standards. Those delegations were also of the view that Governments bore international responsibility for national activities involving the use of nuclear power sources in outer space conducted by governmental and non-governmental organizations and that such activities must be beneficial and not detrimental to humanity.

6. Some delegations called on the Legal Subcommittee to undertake a review of the Safety Framework and to promote binding standards with a view to ensuring that any activity conducted in outer space was governed by the principles of preservation of life and maintenance of peace.

7. Some delegations expressed the view that more attention should be paid to the legal issues associated with the use of satellite platforms with nuclear power sources in Earth orbits, including the geostationary orbit, in the light of reported failures and collisions which posed a high risk to humanity. Those delegations were also of the view that it was necessary to study in depth the use of such platforms, starting with an analysis of existing practices and regulations.

8. Some delegations expressed the view that there should be greater coordination and interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee in order to promote the development of binding international standards to provide a legal framework for the use of nuclear power sources in outer space.

9. Some delegations expressed the view that the use of nuclear power sources in outer space must be as limited as possible, and should comply with international laws and regulations, particularly with the Outer Space Treaty, the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency safeguard agreements, conventions, protocols and standards, in order to ensure the safety, security and sustainability of space environments.

10. The view was expressed that the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (General Assembly resolution 47/68) should be modified by deleting, from principle 3 (Guidelines and criteria for safe use), paragraphs 2 (a)(iii) and 3 (a), which refer to the use of nuclear reactors and radioisotope generators in Earth orbits.

11. The view was expressed that it was necessary not only to codify international law, but also to strengthen it and to review international instruments such as the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, with a view to adopting a binding instrument.

12. The view was expressed that the use of nuclear power sources in outer space should be allowed only in the case of deep space missions and only when other power sources have been considered and rejected.

XII. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-fourth session

13. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 14, entitled "Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-fourth session", as a regular item on its agenda. Under the item, the Subcommittee also considered matters related to its organization of work.

14. The representatives of Algeria, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Cuba, the Czech Republic, Egypt, France, Germany, Italy, Japan, Kenya, Malaysia, Mexico, Nigeria, the Netherlands, Portugal, the Republic of Korea, the Russian Federation, South Africa, Switzerland, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 14. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

15. The Subcommittee had before it the following:

(a) Working paper submitted by Germany entitled "Proposal for a renewal of the agenda structure and organization of work of the Legal Subcommittee (A/AC.105/C.2/L.293 and Rev.1);

(b) Conference room paper submitted by Germany containing a revised version of the proposal contained in document A/AC.105/C.2/L.293/Rev.1, including explanatory information (A/AC.105/C.2/2014/CRP.30);

(c) Proposal submitted by Japan and supported by Austria, Canada, France, Nigeria and the United States entitled "New agenda item on general exchange of information on non-legally binding United Nations instruments on outer space" (A/AC.105/L.288).

A. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-fourth session

16. The Subcommittee agreed that the two single issues/items for discussion, entitled "Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space" and "General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee", should be retained on the agenda of the Subcommittee at its fifty-fourth session.

17. The Subcommittee considered the continuation of the agenda item entitled "General exchange of information on non-legally binding United Nations instruments on outer space". In that regard, the Subcommittee had before it document A/AC.105/L.288 of 20 June 2013.

18. Some delegations expressed the view that retaining the item on the agenda as a single issue/item for discussion would increase knowledge about how States were

putting into practice the non-legally binding United Nations instruments on outer space activities, and that an exchange of information in that regard would be a useful tool for States when developing their national regulatory frameworks for outer space activities.

19. Some delegations expressed the view that a number of questions relating to the objectives, methodology, scope and outcome of the work under the item should be further elaborated and clarified.

20. Some delegations expressed the view that broadening the scope of the agenda item beyond non-legally binding United Nations instruments would allow for a more comprehensive analysis of the wider range of non-legally binding instruments that addressed contemporary challenges in the peaceful exploration and use of outer space.

21. The Subcommittee agreed that the single issue/item for discussion entitled "General exchange of information on non-legally binding United Nations instruments on outer space" should be retained on the agenda of the Subcommittee at its fifty-fourth session, on the basis of document A/AC.105/L.288.

22. The Subcommittee also agreed that in the deliberations under that agenda item, member States could, as appropriate, also take into consideration the discussions on other non-legally binding instruments on outer space, as well as the relationship between legally binding and non-legally binding instruments.

23. The Subcommittee agreed on the following items to be proposed to the Committee for inclusion in the agenda of the Subcommittee at its fifty-fourth session:

Regular items

1. Adoption of the agenda.
2. Statement by the Chair.
3. General exchange of views.
4. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
5. Status and application of the five United Nations treaties on outer space.
6. Matters relating to:
   (a) The definition and delimitation of outer space;
   (b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.
7. National legislation relevant to the peaceful exploration and use of outer space.
8. Capacity-building in space law.

Single issues/items for discussion

9. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

10. General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee.

11. General exchange of information on non-legally binding United Nations instruments on outer space.

Items considered under workplans

12. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space.

(Work for 2015 as reflected in the multi-year workplan in the report of the Legal Subcommittee on its fifty-first session (A/AC.105/1003, para. 179))

New items

13. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-fifth session.

24. The Subcommittee also agreed that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space and the Working Group on Matters Relating to the Definition and Delimitation of Outer Space should be reconvened at its fifty-fourth session.

25. The Subcommittee further agreed to review, at its fifty-fourth session, the need to extend beyond that session the mandate of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space.

26. The Subcommittee agreed that IISL and ECSL should again be invited to organize a symposium, to be held during its fifty-fourth session, and noted that delegations wishing to propose topics for the symposium could do so directly to the organizers.

27. The Subcommittee noted that its fifty-fourth session had been tentatively scheduled to be held from 13 to 24 April 2015.

B. Organizational matters

28. The Subcommittee noted the proposal by Germany for the renewal of the structure of the agenda and organization of work of the Legal Subcommittee, as contained in documents A/AC.105/C.2/L.293 and Rev.1, and subsequently in document A/AC.105/C.2/2014/CRP.30.

29. Some delegations expressed the view that the role of the Legal Subcommittee as the principal international forum to promote and further develop space law should be maintained and enhanced.

30. Some delegations expressed the view that the proposal by Germany constituted a timely and constructive effort to simplify the structure of the Subcommittee's agenda and to make more efficient use of the sessions of the Subcommittee.

31. Some delegations expressed the view that the structure of the agenda of the Legal Subcommittee should remain unchanged.

32. Some delegations expressed the view that while the intention of the proposal by Germany was welcome, some elements of the proposal needed further clarification and elaboration before the new structure contained in the proposal could possibly be implemented.

33. The view was expressed that the proposal by Germany should be seen as one suggestion for improving the organization and method of work of the Subcommittee, and that other options should also be explored.

34. Some delegations expressed the view that there should be increased synergy and cooperation between the Scientific and Technical Subcommittee and the Legal Subcommittee, in order to further enhance consistency in the work of the Committee and its Subcommittees and to further the understanding and application of existing legal instruments relating to space law.

35. Some delegations expressed the view that the Subcommittee should review its rules of procedure and method of work and, in that regard, that the Secretariat should consult member States for their views on the matter.

36. The Subcommittee requested Germany to lead intersessional consultations, making use of the opportunities provided by the sessions of the Committee on the Peaceful Uses of Outer Space in 2014 and the Scientific and Technical Subcommittee in 2015, to build on the progress that had already been made, with a view to possibly reaching an agreement by the fifty-fourth session of the Legal Subcommittee, in 2015.

37. The Subcommittee noted with appreciation the demonstration by the Conference Management Service of the VIC Online Services portal, a new web-based application allowing meeting participants convenient access to documentation, meeting schedules and information about facilities and services available in the Vienna International Centre.